

**MELONI & McCAFFREY, P.C.**

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October 12, 2007

**BY EMAIL & FEDERAL EXPRESS**

Daniel Scardino, Esq.  
Jackson Walker L.L.P.  
100 Congress Avenue  
Suite 1100  
Austin, TX 78701

Re: **Brian Ritchie v. Gordon Gano [No. 07-CV-7269]**

Dear Mr. Scardino:

I herewith enclose a Waiver of Service form, signed by me as counsel for Gordon Gano. I inserted the date of receipt of the Summons and Complaint as August 30, as agreed.

Sincerely,

MELONI & McCAFFREY, P.C.



By: \_\_\_\_\_  
Robert S. Meloni

Enclosure (1)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BRIAN RITCHIE, individually and d/b/a  
VIOLENT FEMMES,

Plaintiff,

-v-

GORDON GANO, individually and d/b/a GORNO  
MUSIC a/k/a GORNO MUSIC (ASCAP) a/k/a  
GORNO MUSIC PUBLISHING,

Defendants.

Civil Action No. 07-CV-7269  
Judge Marrero

**WAIVER OF SERVICE OF  
SUMMONS**

TO: Plaintiff, Brian Ritchie, individually and d/b/a Violent Femmes, by and through the  
attorney of record

**JACKSON WALKER L.L.P.**

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Lawrence A. Waks\*

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Emilio B. Nicolas\*

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(\**pro hac vice* admission to be requested)

ATTORNEYS FOR BRIAN RITCHIE, individually and d/b/a VIOLENT FEMMES

I acknowledge receipt of your request that I waive service of the Summons in the action of *Brian Ritchie, individually and d/b/a Violent Femmes vs. Gordon Gano, individually and d/b/a Gorno Music a/k/a Gorno Music (ASCAP) a/k/a Gorno Music Publishing*; Civil Action No. 07-CV-7269; In the United States District Court for the Southern District of New York.

Dated: August 30, 2007

Respectfully submitted,

Robert S. Meloni  
Meloni & McCaffrey, P.C.  
1350 Avenue of the Americas | Suite 3100  
New York, New York 10019  
Tel.: (212) 957-5577  
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By:   
Robert S. Meloni

As Attorney for Defendants  
GORDON GANO, individually and d/b/a  
GORNO MUSIC a/k/a GORNO MUSIC  
(ASCAP) a/k/a GORNO MUSIC  
PUBLISHING

I have also received copies of the below items in this action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me:

1. Plaintiff's Complaint for Declaratory Relief, Equitable Relief, Injunctive Relief and Damages and Demand for Jury Trial; *Yes*
2. New York Southern District Civil Cover Sheet; *No*
3. Summons upon Defendant; *Yes*
4. Plaintiff's Rule 7.1 Disclosure; *No*
5. Documents provided by the SDNY Court re: Practices before Judge Marrero's Court; and *No*
6. Documents provided by the SDNY Court re: Individual Practices of Judge Frances. *No*

I agree to save the cost of service of a summons and an additional copy of the Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Summons or in the service of the Summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 of the Federal Rules of Civil Procedure is not served upon you within 60 days after August 28, 2007, or within 90 days after that date if the request for waiver of service was sent outside the United States.

*PSM*